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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,597	02/05/2001	Ed Wilson	WILSON-1	9312

7590 08/20/2003
LaMORTE & ASSOCIATES, P.C.
P.O. Box 434
Yardley, PA 19067-8434

EXAMINER

HSIEH, SHIH YUNG

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/776,597

Applicant(s)

WILSON, ED

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claim 1 is objected to because of the following informalities: "the cylindrical string" (lines 4-5) should be "the cylindrical string aperture". Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrico (5,477,764) in view of Liebchen (DE3924736).

Regarding claims 1 and 2, Carrico discloses a guitar with guitar stings that terminate with end caps (Fig. 2) wherein the guitar has a body that defines a plurality of cylindrical string apertures (122) that are sized to enable the guitar strings, but not the end caps, to pass therethrough, a device comprising a tubular sleeve (Figs. 3, 5, 7, by definition sleeve is an encasement into which an object fits, see Webster's II New Riverside University Dictionary) that defines a central conduit (34, 224), a neck section (Figs. 3, 5, 7) with an external diameter that enables said neck section to pass into one of the cylindrical string apertures (122), a head section (38, 228) that is sized to be too large to pass through the string aperture, wherein said central conduit is sized to enable a guitar string to pass therethrough; whereby said tubular sleeve is placed in one of said

cylindrical string apertures and the guitar string is strung through said central conduit of said sleeve.

The difference between Carrico's device and the claims is that the claims recite a device for preventing wear on each guitar string as it passes into one of the cylindrical string aperture, and said central conduit expands within said head section creating a curved interior surface.

Liebchen teaches a device with curved grooves creating a curved interior surface (3) to receive the strings for preventing wear on the strings. It would have been obvious to one having ordinary skill in the art to modify Carrico's device as taught by Liebchen to include a head section having curved grooves to receive the strings for the purpose of preventing wear on each guitar string.

Regarding claims 6-8, it is obvious that the device of Carrico in view of Liebchen uses the same method steps recited in claims 6-8 to attach a string and reduce its wear.

4. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art (Applicant's Fig. 2) in view of Carrico.

Regarding claim 12, The Prior Art discloses the claimed invention (the body, the neck and the tuning mechanisms are considered essential parts of a guitar) except replaceable tubular sleeve lining said string apertures to said tuning mechanisms, wherein said tuning mechanisms cause said strings to bend about and contact said tubular sleeves.

Carrico teaches replaceable tubular sleeve lining said string apertures for providing an easy attachment mechanism for attaching string to a musical instrument (col. 1, lines 46-48) and, wherein said tuning mechanisms cause said strings to bend about and contact said tubular sleeves (Fig. 1). It would have been obvious to one

having ordinary skill in the art to modify the Prior Art's guitar as taught by Carrico to include replaceable tubular sleeve lining said string apertures to said tuning mechanisms for the purpose of providing an easy attachment mechanism for attaching string to a musical instrument.

Regarding claims 13 and 14, see above statement addressing claims 1 and 2.

5. Claims 3-4, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrico in view of Liebchen as applied to claims 1 and 6 above respectively, and further in view of Borisoff (4,535,670).

Carrico in view of Liebchen disclose the claimed invention except disclosing the material of the tubular sleeve being synthetic Teflon.

Borisoff teaches using a synthetic Teflon sleeve (64, 114) to reduce frictions on the respective strings. It would have been obvious to one having ordinary skill in the art to modify Carrico in view of Liebchen's device and method as taught by Borisoff to include the material of the tubular sleeve being synthetic Teflon for the purpose of reducing the frictions on the respective strings.

6. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrico in view of Liebchen as applied to claims 1 and 6 respectively above, and further in view of Cipriani (5,227,571).

Carrico in view of Liebchen disclose the claimed invention except disclosing the material of the tubular sleeve being a soft metal including aluminum.

Cipriani teaches using a soft metal aluminum (col.5, line 57) for a saddle and bridge. It would have been obvious to one having ordinary skill in the art to modify in view of Carrico in view of Liebchen's device and method as taught by Cipriani to include the material of the tubular sleeve being a soft metal aluminum for the purpose of providing durability.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art in view of Carrico as applied to claim 12 above, and further in view of Borisoff.

The Prior Art in view of Carrico disclose the claimed invention except disclosing the material of the tubular sleeve being synthetic Teflon.

Borisoff teaches using a synthetic Teflon sleeve (64, 114) to reduce frictions on the respective strings. It would have been obvious to one having ordinary skill in the art to modify the Prior Art in view of Carrico's guitar as taught by Borisoff to include the material of the tubular sleeve being synthetic Teflon for the purpose of reducing the frictions on the respective strings.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art in view of Carrico as applied to claim 12 above, and further in view of Cipriani.

The Prior Art in view of Carrico disclose the claimed invention except disclosing the material of the tubular sleeve being a soft metal (aluminum is a soft metal as admitted by the applicant).

Cipriani teaches using a soft metal aluminum (col.5, line 57) for a saddle and bridge. It would have been obvious to one having ordinary skill in the art to modify the Prior Art in view of Carrico's guitar as taught by Cipriani to include the material of the tubular sleeve being a soft metal for the purpose of providing durability.

9. Applicant's arguments filed 7/17/2003 have been fully considered but they are not persuasive.

In regard to withdrawing the finality and reopening the prosecution of the application, the examiner found that the references used in the office action of final rejection of 8/22/2002 were not arranged in proper order. The Carrico reference teaches end caps to be inserted into the cylindrical string apertures, while the Liebchen reference is only relied upon on its teaching of curved grooves, on a string support device, creating a curved interior surface to receive the strings for preventing wear on the strings. See MPEP 1208.02 for appeal issue.

The applicant argued that "The Carrico patent does not disclose the use of replaceable tubular sleeves that line the string apertures". The examiner disagrees. The Carrico patent does disclose the use of replaceable tubular sleeves that line the string

apertures as described clearly in the specification and the drawings, while the Liebchen patent teaches a curved string support surface for preventing string wear. Therefore, the combination of the references read on the claims. The rejections stand.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 703-308-1031. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2837

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER